

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

ANTHONY H. TURNER,

Petitioner,

v.

WISCONSIN DEPARTMENT OF CORRECTIONS;
COLUMBIA CORRECTIONAL OFFICIALS;
Warden GREGORY GRAM;
Security Director JANEL NICKEL; and
CHRISTINE M. WODILL,

Respondents.

ORDER

08-cv-681-bbc

Petitioner Anthony H. Turner has notified the court that he would like to dismiss this action voluntarily. Because respondents have not yet filed an answer, petitioner does not need to obtain leave of court before dismissal. Fed. R. Civ. P. 41(a)(1)(A); see also Szabo Food Service, Inc. v. Canteen Corp., 823 F.2d 1073, 1078 (7th Cir. 1987) (Rule 41(a) "dismissal terminates the case all by itself"). Therefore, petitioner is free to dismiss his case voluntarily, without prejudice to his refiling the complaint at a later date.

Petitioner asks how much time he has to re-file his case before it "expires." The statute of limitations varies for each type of claim. In order to find out the proper statute

of limitations, he will have to research the issue at his institution's law library.

ORDER

Petitioner's notice of voluntary dismissal of this action is ACCEPTED and this case is DISMISSED without prejudice to petitioner's filing a new lawsuit against respondents at a future time. The clerk of court is directed to close the case.

Entered this 27th day of January, 2009.

BY THE COURT:

/s/

BARBARA B. CRABB
District Judge